

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">14.7</p> <p>Date Filed</p> <p style="text-align: center;">October 14, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">5</p> <p>Effective Date</p> <p style="text-align: center;">February 3, 2006</p>
<p>Authority/References</p> <p>42 U.S.C. §§ 15601 through 15609 ACA 4-4281-1 through 4-4281-8, 4-4406</p>	<p>Subject</p> <p style="text-align: center;">SEXUAL ABUSE/ASSAULT PREVENTION AND INTERVENTION PROGRAMS</p>	

I. DEFINITIONS

“Aggressor” means the person committing a sexual assault against another.

“Rape” is defined by 42 U.S.C. § 15609.

“Sexual assault” means any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth or anus of another person, by the use of force or threat of force.

II. POLICY and PROCEDURE

- A. This policy applies to all inmates, employees of the Department of Corrections, volunteers, and independent contractors assigned to an institution or providing services to inmates.
- B. Any sexual act or contact between inmates shall be prohibited.
- C. Employee Training
 1. All new employees shall receive training related to the prevention, detection, response and investigation of inmate on inmate sexual assaults.
 2. Each institution shall provide training on inmate sexual assault issues during staff in-service, every other year, with the first training beginning in 2005.
 3. The Division of Mental Health Services shall ensure that each institution has access to the services of a licensed mental health professional that has training or experience in trauma counseling.
- D. Inmate Education

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All inmates shall receive during orientation, at the Assessment and Classification Center and each institution, oral and written information about sexual assault that addresses:

1. prevention
2. self-protection
3. reporting sexual assaults
4. treatment and counseling

E. General Provisions

1. An inmate shall receive a screening within 24 hours of arrival at the Assessment and Classification Center. This screening shall include a review of any history of sexual abuse-victimization or sexually predatory behavior. Housing concerns shall be documented on the screening form.
2. Upon transfer from the Assessment and Classification Center, the receiving institution shall review the mental health appraisal to ensure compliance with any documented concerns. This review shall be completed within 24 hours of arrival at that facility.
3. An inmate identified as having a history of sexually assaultive behavior shall be assessed by a mental health professional or other qualified professional and monitored and counseled as determined by the professional.
4. An inmate identified as at risk for sexual victimization shall be assessed by a mental health professional or other qualified professional and monitored and counseled as determined by the professional.
5. Each institution shall provide allegations and dispositions of sexual assault on a monthly report. All case records associated with claims of sexual assault, including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling shall be retained in accordance with the records retention schedule.

F. Reporting and Investigation of Sexual Assaults

1. **Initial Report and Separation:** An inmate may report a sexual assault to any employee. Any employee that receives a report of a sexual assault or possible sexual assault, whether verbally or in writing, shall immediately notify the shift commander and complete an incident report. The shift supervisor shall assure that the victim and aggressor are physically separated, either through the placement of one or both inmates in segregation or some other effective means. The victim shall be advised by the employee receiving the report and the shift supervisor to not shower or

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otherwise clean themselves, or if the assault was oral, to not drink or brush their teeth, or otherwise take any action that would damage or destroy evidence. Arrangements shall be promptly made to have the victim examined by outside medical services. Institutional medical employees shall not conduct a rape examination. All allegations of sexual assault shall be reported on an extraordinary occurrence report.

2. **Medical Department Responsibilities:** The medical department at the institution shall ensure provisions are made for examination, documentation, transport to the local emergency department if appropriate, collection of forensic evidence, testing for sexually transmitted diseases, counseling as appropriate, prophylactic treatment, follow-up, and mental health assessment.
3. **Investigation of Recent Sexual Assaults:** If the sexual assault is reported or discovered within 48 hours of the incident, in addition to the provisions in the section concerning reporting and separation above, the following steps shall be taken by the shift commander:
 - a. Notification shall be immediately made to the Kentucky State Police and the institutional investigator.
 - b. In preparation of transporting the inmate to the hospital's emergency room, the inmate shall be provided and instructed to undress over a clean sheet, in order to collect any potential forensic evidence that may fall from the inmate's person. The sheet along with the inmate's clothing shall be collected as evidence and placed in a paper bag with an appropriate chain of evidence form attached.
 - c. The inmate aggressor shall be placed in a dry cell to preserve forensic evidence. The inmate shall be strip-searched and issued a paper gown. All possessions shall be taken. An inmate placed in a dry cell, per this policy, shall not remain in this status longer than sixteen hours.
 - d. The crime scene shall be secured and efforts shall be made to keep potential evidence in place for examination and investigation. If the crime scene cannot be secured, the crime scene shall be photographed or videotaped, and the evidence, if any, collected and placed in a paper bag with a chain of evidence form attached. The evidence shall be logged and placed in the evidence locker.
 - e. The only persons permitted to enter a secured crime scene are Kentucky State Police, the assigned investigator, or medical staff, as needed.

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- f. A log shall be maintained of anyone entering the crime scene and at what time they entered and exited. Anyone entering the crime scene shall be videotaped as additional documentation.
 - g. The area shall remain secured as a crime scene until verification of a completed investigation and released by the investigating authority.
 - h. The aggressor shall be held in segregation under investigation until the investigation is complete, unless other circumstances require the transfer of the aggressor. During the course of the investigation the victim and the aggressor shall remain separated.
 - i. Forensic evidence collected by the emergency room hospital shall only be released to Kentucky State Police. Institution staff shall not attempt to retrieve this evidence from the hospital.
4. Investigation of Sexual Assaults Occurring More Than 48 Hours in the Past: If the sexual assault is reported or discovered more than 48 hours after the incident, in addition to the provisions in the section concerning reporting and separation above, the following steps shall be taken by the shift commander or investigator:
 - a. Secure the crime scene, if feasible, as forensic evidence may still exist.
 - b. Place the victim in an individual cell, such as in the infirmary or segregation.
 - c. The aggressor, if known, shall be placed in segregation under investigation.
 - d. Kentucky State Police and the investigator shall be notified.
 - e. Kentucky State Police and the investigator shall conduct separate interviews of the victim and aggressor.
 - f. All incidents of sexual assault allegations shall be reported in writing.
5. Prosecutions: The investigator shall provide all evidence to the Kentucky State Police. Evidence shall be referred to the Commonwealth Attorney for prosecution.

Sexual Acts/Contact Allegation Reporting Form

Institution: EKCC	Staff Involved:
Date of Occurrence:	
Date Reported:	Inmates Involved:
Summary of allegation/incident:	

1) Was the Sexual Incident:

- ☐ a. Inmate to Inmate
- ☐ b. Inmate to Staff
- ☐ c. Staff to Inmate

2) Was Victim:

- ☐ a. Male
- ☐ b. Female

3) Was perpetrator:

- ☐ a. Male
- ☐ b. Female

4) Was the Sexual Incident: (*see definitions)

- ☐ a. Consensual sexual act
- ☐ b. Non-consensual sexual act*
- ☐ c. Abusive sexual contact*
- ☐ d. Staff sexual misconduct*
- ☐ e. Staff sexual harassment*

5) Was the Sexual Incident:

- ☐ a. Completed
- ☐ b. Attempted

6) Where did the Sexual Incident Occur:

- ☐ a. Victims cell/room
- ☐ b. Perpetrator's cell/room
- ☐ c. Common Area within living unit (shower, dayroom)
- ☐ d. Program area (yard, gym, library)
- ☐ e. Work area
- ☐ f. Multiple areas
- ☐ g. Other explain: _____

7) Were the State Police notified:

- ☐ a. Yes
- ☐ b. No – if no explain why: _____

8) Was a Rape Kit completed (if reported within 48 hours):

- ☐ a. Yes
- ☐ b. No – provide explanation as to why: _____

9) Location of Examination:

- ☐ a. Local hospital
- ☐ b. Institution Medical Department
- ☐ c. Not done

10) Was the inmate seen by Mental Health Professional within 24 hours:

- ☐ a. Yes
- ☐ b. No – if no explain why: _____

11) Were Victim and Perpetrator separated:

- ☐ a. Yes
- ☐ b. No – if no explain why: _____

12) If the incident was non-consensual, was the Sexual Act:

- ☐ a. Substantiated – Event determined to have occurred
- ☐ b. Unsubstantiated – Insufficient evidence to make determination
- ☐ c. Unfounded – Determined not to have occurred

13) If the incident was non-consensual and substantiated, list sanctions taken against perpetrator:

14) If the incident was unfounded, list sanctions taken against claimant:

15) If the act was consensual, list sanctions taken against inmates:

16) Final review by Deputy Commissioner, Adult Institutions:

Definitions:

- * **Inmate to Inmate Non-consensual sexual acts:** Contact of any person without his or her consent, or of a person who is unable to consent or refuse such as contact between the penis and the vagina or the penis and the anus including penetration, however slight; Contact between the mouth and the penis, vagina, or anus; Penetration of the anal or genital opening of another person by hand, finger or other object.
- * **Inmate to Inmate Abusive Sexual Contacts:** Contact of any person without his or her consent, or of a person who is unable to consent or refuse; intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- * **Staff Sexual Misconduct:** Any behavior or act of a volunteer, official visitor, or agency representative. Romantic relationships between staff and inmates are included in this definition. Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; Completed, attempted, threatened, or requested sexual acts; Occurrences of indecent exposure, or staff voyeurism for sexual gratification.
All Staff to inmate sexual contact shall be considered Non-Consensual.
- * **Staff Sexual Harassment:** Repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, official visitor, or agency representative such as demeaning reference to gender or derogatory comments about body or clothing; profane or obscene language or gestures.
- * **Substantiated Act:** If an inmate issued disciplinary and is convicted by Adjustment Committee.